

## Lauren Murphy

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**From:** Clare Flynn6 <clare.flynn6@hse.ie>  
**Sent:** Monday 30 March 2026 15:33  
**To:** SIDS  
**Cc:** EnvCcnsu  
**Subject:** RE: An Coimisiún Pleanála - Case reference: PAX09.324055 - EIAR Application for the Proposed Derrynadarragh Wind Farm in Counties Laois/Offaly/Kildare Final Submission proposed Derrynadarragh Wind Farm in Counties LaoisOffalyKildare EHS 5733 (006).pdf

**Attachments:**

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Hi Lauren,

Thank you for getting back to me.

Please find attached NEHS submission for case reference 324055.

Thank you,  
Clare

Kind Regards,

**Clare Flynn**  
**Environmental Health Officer | Oifigeach Sláinte Chomhshaoil**  
**Environment Network Support Unit | Comhshaoil Aonad Tacaíochta Líonra**

Dublin Port Health | Environmental Health Service | HSE  
Border Control Post | Yard 4 | Promenade Road | Dublin Port | Dublin 3  
T: 087 6034469  
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Calafort Átha Cliath | Baile Átha Cliath 3



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**From:** SIDS <sids@pleanala.ie>  
**Sent:** Monday 30 March 2026 15:26  
**To:** Clare Flynn6 <clare.flynn6@hse.ie>  
**Subject:** RE: An Coimisiún Pleanála - Case reference: PAX09.324055 - EIAR Application for the Proposed Derrynadarragh Wind Farm in Counties Laois/Offaly/Kildare

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Hi Clare,

I can confirm that a submission can be made to this email address by prescribed bodies where no fee is required.

Kindest Regards,

Lauren Murphy  
Executive Officer

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**From:** Clare Flynn6 <[clare.flynn6@hse.ie](mailto:clare.flynn6@hse.ie)>  
**Sent:** Monday 30 March 2026 14:23  
**To:** SIDS <[sids@pleanala.ie](mailto:sids@pleanala.ie)>  
**Subject:** An Coimisiún Pleanála - Case reference: PAX09.324055 - EIAR Application for the Proposed Derrynadarragh Wind Farm in Counties Laois/Offaly/Kildare

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Hi there,

I am trying to submit an observation report submission for case reference 324055 on behalf of the National Environmental Health Service (NEHS)

Can submit this through this email address?

Thank you.

Kind Regards,

**Clare Flynn**  
**Environmental Health Officer**  
Dublin Port Health | Environmental Health Service | HSE  
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T: +353 1 921 2851 | E: [importcontroldublin@hse.ie](mailto:importcontroldublin@hse.ie)

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Má fuair tú an ríomhphost seo trí dhearmad, bheadh muid buíoch dá gcuirfeá in iúil don Deasc Seirbhísí ECT ar an nguthán ag [+353 818 300300](tel:+353818300300) nó ar an ríomhphost chuig [service.desk@hse.ie](mailto:service.desk@hse.ie) agus ansin glan an ríomhphost seo ded' chóras."

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Má fuair tú an ríomhphost seo trí dhearmad, bheadh muid buíoch dá gcuirfeá in iúil don Deasc Seirbhísí ECT ar an nguthán ag [+353 818 300300](tel:+353818300300) nó ar an ríomhphost chuig [service.desk@hse.ie](mailto:service.desk@hse.ie) agus ansin glan an ríomhphost seo ded' chóras."

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National Environmental Health Service

St. Fintan's Child & Family Centre,  
Dublin Road,  
Portlaoise,  
Co. Laois  
Phone: 057 8692675

March 30th 2026

An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
[www.pleanala.ie](http://www.pleanala.ie)

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Case Reference: PAX09.324055

HSE ref: 5733

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To whom it may concern,

Enclosed are the observations of the National Environmental Health Service (NEHS) on planning application Case Reference: PAX09.324055

Any clarification on the contents of this submission should be made, in the first instance, to the Principal Environmental Health Officer, Laois/Offaly.

A handwritten signature in black ink that reads 'Rhona Dillon'.

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**Rhona Dillon**  
**Principal Environmental Health Officer**

## **National Environmental Health Service Submission Report**

The following HSE stakeholders were notified of the application on the 2<sup>nd</sup> March 2026:

- Emergency Planning – Brendan Lawlor
- National Capital Estates Office – Regional AND
- Director of National Health Protection – Eamonn O'Moore
- REO Dublin and Midlands – Kate Killeen White

### **General**

The HSE is a statutory consultee under Article 28 of the Planning and Development Act 2000 (as amended) and has a remit to make observations on a planning application accompanied by an EIAR with regard to any likely significant effects on Public Health. The NEHS can make observations on any planning application as a statutory consultee.

The objective of any observations by the NEHS are to inform the Planning Authority on any likely significant effects on Public Health and give an opinion on any proposed mitigation to protect Public and Environmental Health. Any observations made are to inform and assist the decision making of the Planning Authority in the planning process.

This submission is the observations and comments of the NEHS based on the submitted planning application and the accompanying Environmental Impact Assessment Report (EIAR). The NEHS does not carry out any independent environmental monitoring or validation of any measurements or data reproduced in an EIAR.

### **Proposed Development**

10-year permission for Derrynadarragh wind farm comprising of 9 no. wind turbines, onsite 110kV substation, turbine delivery route and a grid connection route.

4 no. turbines will have a tip height of 186m above existing ground level with a hub height of 105m and rotor diameter of 162m, and 5 no. turbines will have a tip height of 187m above existing ground level with a hub height of 106m and rotor diameter of 162m.

The Wind Farm site comprises approximately 213.67 hectares of land, and is contained within the townlands of Cushina, Clonsast Lower, and Chevy Chase or Derrynadarragh in County Offaly, and Aughrin and Derrylea in County Kildare. It is located within both the jurisdictions of Kildare County Council and Offaly County Council, approximately 1.7km south of the village of Bracknagh, 5km northwest of Monasterevin, and approximately 6.5km northeast of Portarlinton.

### **Site Location and Site Visit by NEHS**

A visit to the site of the proposed development was carried out by a Senior Environmental Health Officer Thomas Boland on the 12<sup>th</sup> March 2026

The purpose of the site visit was to identify any sensitive receptors where there could be a likely significant effect from the proposed development and to consider if there could be cumulative impacts from existing or proposed development and to consider the characteristics of the surrounding environment. This was to enable informed observations on the EIA and the subsequent EIAR.

### **Criteria for Consideration of Likely Significant Effects on Public Health**

The NEHS considers likely significant effects on Public Health as per the EPA issued National Guidance (known as the EIAR Guidance): Guidelines on the information to be contained in Environmental Impact Assessment Reports, 2022

[https://www.epa.ie/publications/monitoring--assessment/assessment/EIAR\\_Guidelines\\_2022\\_Web.pdf](https://www.epa.ie/publications/monitoring--assessment/assessment/EIAR_Guidelines_2022_Web.pdf)

Particularly section 3 of the EIAR Guidance on Human Health which is reproduced below:

#### **Human Health**

The recitals to the 1985 and 2011 Directives refer to 'Human Health' and include 'Human Beings' as the corresponding environmental factor. The 2014 Directive calls this factor 'Population and Human Health'.

While no specific guidance on the meaning of the term Human Health has been issued in the context of Directive 2014/52/EU, the same term was used in the SEA Directive (2001/42/EC). The Commission's SEA Implementation Guidance states 'The notion of human health should be considered in the context of the other issues mentioned in paragraph (f)'. (Paragraph (f)<sup>47</sup> lists the environmental factors including soils, water, air etc). This is consistent with the approach set out in the 2002 EPA EIS Guidelines where health was considered through assessment of the environmental pathways through which it could be affected, such as air, water or soil, namely:

'The evaluation of effects on these pathways is carried out by reference to accepted standards (usually international) of safety in dose, exposure or risk. These standards are in turn based upon medical and scientific investigation of the direct effects on health of the individual substance, effect or risk. This practice of reliance upon limits, doses and thresholds for environmental pathways, such as air, water or soil, provides robust and reliable health protectors [protection criteria] for analysis relating to the environment.'

In an EIAR, the assessment of impacts on population & human health should refer to the assessments of those factors under which human health effects might occur, as addressed elsewhere in the EIAR e.g. under the environmental factors of air, water, soil etc.. The Advice Notes provide further discussion of how this can be addressed.

Assessment of other health & safety issues are carried out under other EU Directives, as relevant. These may include reports prepared under the Industrial Emissions, Waste Framework, Landfill, Strategic Environmental Assessment, Seveso III, Water Framework Directive, Floods or Nuclear Safety Directives<sup>48</sup>. In keeping with the requirement of the amended Directive, an EIAR should take account of the results of such assessments without duplicating them.

The NEHS therefore considers likely significant effects within a population and Human Health context that uses a source – pathway - receptor model, based on emissions through environmental media and population exposure. The exposure of populations, if any, is then considered against recognised health protection criteria.

Whilst EIAR Guidance recognises the requirement to identify sensitive receptors within the assessment process, the Planning Authority should be clear that it is within a Population health approach.

NEHS has noted that a proposed 11 turbine Cushina Wind Farm is to be located in close proximity to the Derrynadarragh wind farm. The Non technical summary has that distance from these sites in section 8.3.1 Potential Cumulative Impacts - approximately 4.3km northwest of the site and in section 6.4 Recreation, Amenity and Tourism located 3.1km to the northwest of the proposed Derrynadarragh site. It is recommended that clarification on the distance be confirmed by the planning authority.

A Population Health approach to the sensitivity of receptors would not consider individual specific sensitivity of a human receptor, but the sensitivity of the established land use or service provision. For example, a school would be considered a sensitive receptor within a Population Health approach, but an individual student who was particularly sensitive to noise attending the school would not be specifically considered in the assessment criteria. But, a health care facility that provided services for people with recognised noise sensitivity would be considered in its entirety as a particular noise sensitive location.

It is recommended that the Planning Authority also follows this method when considering likely significant effects on Population and Human Health in their decision-making process.

### **Project Specific Guidance for Wind Energy Development**

The current Guidelines for Wind Energy Development are: Wind Energy Development Guidelines (2006) <https://www.gov.ie/en/publication/f449e-windenergy-development-guidelines-2006/>

It is recognised that the nature of wind energy development has significantly changed since the publication of these Guidelines, particularly the size of the turbines and the proximity to centres of populations and the cumulative effects with other wind energy development. There have also been substantial increases in the body of knowledge around the likely significant effects of the operation of wind farm development on Population Health, in particular around the characteristic of the noise emissions and health effects of shadow flicker.

A revision of the 2006 GWED commenced in 2013 and Draft Revised Wind Energy Development Guidelines were issued in December 2019.  
<https://www.gov.ie/en/publication/9d0f66-draft-revised-wind-energy-developmentguidelines-december-2019/>

These are yet to be adopted.

The Revised WEDG 2019 states 'the revised guidelines will provide greater consistency of approach in planning for onshore wind energy development, as well as providing greater certainty and clarity to the planning system, to the wind industry and to local communities'

The NEHS is aware of the High Court decision in **Webster/Rollo V Meenaclogher (Wind) Limited (2024 IEHC 136) 8th March 2024**, and details of the judgement. The judgement that the noise from the wind farm was a Private Nuisance is a predominately

health based assessment, in that the elements that were deemed to create the nuisance were directly related to health effects on the complainants. It is the understanding of the NEHS that assessment of compliance with health protection conditions set in the consent process was not a material consideration in the judgement. The judge did state that she could consider nuisance irrespective of any compliance with consent conditions, particularly in the absence of up to date National Policy and Guidance in the area. The Judgement also states that the revised Draft Guidance has been withdrawn. There is no public indication this is the case. It is still on the Department's website as of the date of this submission.

Nuisance from noise is fundamentally a subjective assessment based on 'reasonable' perception and reaction of the effects of the noise exposure. This perception and reaction depends on situational specific conditions and land use. This was recognised in the Judgement after 51 days of evidence and consideration of the specific facts. It also the understanding of the NEHS that the Judgement did not make an order as to the level or characteristic of the noise that would abate the nuisance.

If the Planning Authority are now considering that they are under a duty to incorporate the likelihood of a Private Nuisance into their decision making, then they should consider the judgement in Webster/Rollo V Meenaclogher (Wind) Limited (2024 IEHC 136) 8th March 2024. This judgement identified, in the absence of Irish Guidance, the usefulness of UK Guidance in the investigation of wind farm noise as a statutory nuisance. This is, of course, a reactionary methodology where specific noise exposure is known and not a predictive methodology for the likelihood of a Private Nuisance. <https://assets.publishing.service.gov.uk/media/5a795184e5274a3864fd5f82/pb-13584-windfarm-noise-statutory-nuisance.pdf>

NEHS has noted from the EIAR in Chapter 8 "*Having regard to the Kildare Wind Energy Strategy, the best practice approach discussed will materially contravene the Kildare Wind Energy Strategy, and CDP 2023-2029*", as their strategy is based on requirements of the Draft Revised Wind Energy Development Guidelines 2019.

### **Chapter 6 and Chapter 13 – Population and Human Health- Shadow Flicking**

The EIAR predicts shadow flicker being present and identifies mitigation measures which would be employed to control shadow flicker at any potentially affected properties to ensure compliance with the current adopted Wind Energy Development Guidelines 2006. It is noted these proposed mitigation measures include shadow flicker control modules, consisting of light sensors and specialised software, that will be installed on the turbines to enable no shadow flicker occurrence at all receptors.

NEHS agrees that mitigation measures as the one proposed above are implemented however it is noted that this implementation would only ensure there is compliance with the existing shadow flicker occurrence at any receptor, subject to the response time of the system.

The applicant should note that "stricter implementation" of these mitigation measures can be employed to ensure compliance with the draft 2019 Wind Energy Guidelines.

The adopted 2006 DoEHLG guidelines are currently under review. The DoHPLG released the 'Draft Revised Wind Energy Development Guidelines' in December 2019 for public consultation. The Draft 2019 guidelines recommend local planning authorities and/or An Bord Pleanála impose conditions to ensure that:

*"no existing dwelling or other affected property will experience shadow flicker as a result of the wind energy development subject of the planning application and the wind energy development shall be installed and operated in accordance with the shadow flicker study submitted to accompany the planning application, including any mitigation measures required."*

The Draft 2019 Guidelines are based on the recommendations set out in the 'Proposed Revisions to Wind Energy Development Guidelines 2006 - Targeted Review' (December 2013) and the 'Review of the Wind Energy Development Guidelines 2006 - Preferred Draft Approach' (June 2017).

In the interest of the protection of Public Health, the proposed condition in the 2019 Draft Guidance should be implemented not just "regarded as stated in the EIAR, if consent is given for the development. The technology has advanced since the publication of the 2006 Guidance and it is a reasonable health protection measure to be included in any conditioning of a wind farm development.

## **Chapter 8- Likely Significant Effects from Noise and Vibration**

The NEHS has considered Chapter 8 of the EIAR.

- a) The 2006 Guidelines include guidance on how to derive noise limits for daytime and night-time periods, which can be summarised as: daytime limits take account of existing background noise levels and include a fixed limit of 45 dB, or background + 5 dB, whichever is the greater, except in low background noise environments where a fixed minimum limit in the range 35-40 dB should be considered. **It is noted that the EIAR has used the upper limit of 40 dB for evaluation of significance.**
- b) This criteria is therefore that turbine noise at noise sensitive locations should not exceed for daytime periods: 40 dB(A) where background noise levels are below 30 dB; and, 45 dB(A) or background noise plus 5 dB, whichever is the greater, where background noise levels are greater than 30.
- c) This can potentially see a predicted increase of up to 15 dB(A) change in the noise environment as compliant with the criteria. Any change in the noise environment of this magnitude is highly likely to cause complaints and/or nuisance. **BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound** identifies an increase of 10 dB above existing rated noise levels will have a significant adverse impact and is highly likely to cause complaints. The reference to BS4142 is purely to demonstrate that there are authoritative Standards that recognise a change in a noise environment can have significant adverse effects and a magnitude of 10 dB(A) would be considered significant.
- d) The evaluation of significance of an effect is based on the most up to date scientific knowledge and data. The EIA process specifically requires the assessment to be 'the likely significant effects' and if the knowledge on an evaluation criteria of significance has developed since the publication of a guidance, then it is reasonable and correct to use the developed knowledge base in assessing the significance of any

effect. This is particularly relevant to the protection of Public Health. Statutory Guidance issued under the Planning Development Act 2000 (as amended) has to be considered by the Planning Authority when making a decision, but it is not a consideration that precludes all other evidence and knowledge.

e) Tabulation of the predicted change in the noise environment from the proposed development and the cumulative change in the original baseline noise environment before any wind farm development is represented in table 8-22 (*Assessment of Predicted LA90 Noise Levels for Derrynadarragh Wind Farm against Noise Limits*) of the EIAR and table 8-24 (*Assessment of Cumulative Predicted LA90 Noise Levels for Derrynadarragh Wind Farm and Cushina Wind Farm against Noise Limits*) of the EIAR. This reports that the predicted noise exposure at all Noise Sensitive Locations is below the Wind Energy Development Guidelines 2006 level - and are expected to "be negative, slight to moderate and long term in duration."

f) The NEHS would consider the most appropriate criteria for assessing significance of the predicted noise is consideration of the ENVIRONMENTAL NOISE GUIDELINES for the European Region, 2018. The 2018 WHO Guidance set health protection levels from [environmental.noise.https://iris.who.int/bitstream/handle/10665/279952/9789289053563-eng.pdf?sequence=1](https://iris.who.int/bitstream/handle/10665/279952/9789289053563-eng.pdf?sequence=1) The WHO is the most authoritative body with regards to the evidence base that sets health protection standards. The NEHS would consider it appropriate for the Planning Authority to use the existing noise data to carry out an assessment against the WHO 2018 Guidance noise criteria. This should include cumulative noise impacts from existing and planned wind farm developments.

#### **Chapter 14 Traffic and Transportation**

The NEHS has considered Chapter 14 of the EIAR and the traffic management plan that outlines the mitigation measures for the duration of the project.

The NEHS is satisfied there will be adequate protection of Public and Environmental Health in the traffic management plan if all the mitigation measures are implemented in full.

#### **Appendix 2 Description of development - Construction and Environmental Management Plan (CEMP)**

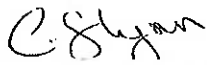
The NEHS has considered the CEMP in Appendix 2.1 and the mitigation for the construction phase.

Additional considerations in the interest of the protection of Public Health:

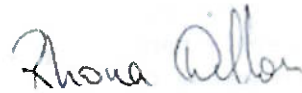
- a) All drinking water and water used for the preparation of food in the temporary construction compounds should meet the requirements of S.I. No. 122/2014 - European Union (Drinking Water) Regulations 2014,
- b) There should be no direct emission to ground or surface water of any foul wastewater. All waste water should be contained and taken off site to a licensed treatment facility,

- c) Site drainage should ensure the protection of surface and ground water during the construction phase. These are detailed in section 4 of the CEMP and in the opinion of NEHS if implemented in full will be adequate protection to public health.
- d) The dust monitoring is a monthly average standard. Compliance with standard can incorporate short periods of very high levels of dust deposition followed by low levels and still be compliant. It is therefore important that dust minimisation is continually implemented, and any complaints are investigated and responded to. It is noted that a Dust management plan is part of the CEMP.

Signed:



**Environmental Health Officer**



**Principal Environmental Health Officer**